

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

|                                       |   |                        |
|---------------------------------------|---|------------------------|
| Shamrock Foods Company,               | ) | No. CV-08-0219-PHX-ROS |
|                                       | ) |                        |
| Plaintiff,                            | ) | <b>ORDER</b>           |
|                                       | ) |                        |
| vs.                                   | ) |                        |
|                                       | ) |                        |
| Jeff Gast; and Sysco Food Services of | ) |                        |
| Arizona, Inc.,                        | ) |                        |
|                                       | ) |                        |
| Defendants.                           | ) |                        |
|                                       | ) |                        |

Pending is Defendants' Motion to Dismiss (Doc. 17) and Plaintiff's Amended Emergency Motion for Temporary Restraining Order and Preliminary Injunction (Doc. 11). On February 3, 2008, Plaintiff filed a complaint and motion for temporary restraining order. The complaint asserts that this Court has federal-question jurisdiction under the Computer Fraud and Abuse Act ("CFAA"), 18 U.S.C. § 1030. Plaintiff also brings a host of state common law and statutory claims. Defendants moved to dismiss the CFAA claims for failure to state a claim and the remaining state law claims for lack of subject matter jurisdiction.

After review of the briefs and relevant law, the Court finds that Plaintiff has failed to state a claim under the CFAA. Further, the Court will not exercise supplemental jurisdiction over the remaining state law claims. Thus, the Court will dismiss the CFAA claims for

1 failure to state a claim and the remaining state law claims for lack of subject matter  
2 jurisdiction. An opinion detailing the Court's reasoning will be forthcoming.

3  
4 Accordingly,


5 **IT IS ORDERED** Defendants' Motion to Dismiss (Doc. 17) is **GRANTED**.

6 **IT IS FURTHER ORDERED** Plaintiff's Amended Emergency Motion for  
7 Temporary Restraining Order and Preliminary Injunction (Doc. 11) is **DENIED AS MOOT**.

8 **IT IS FURTHER ORDERED** the Clerk of Court shall close this case.

9 DATED this 15th day of February, 2008.

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



Roslyn O. Silver  
United States District Judge